AARC
ASSASSINATION ARCHIVES AND RESEARCH CENTER

James H. Lesar, President
918 F Street, N.W. • Suite 510
Washington, D.C. 20004
(202) 393-1917

September 14, 1993

AARC MEDIA ADVISORY ON GERALD POSNER'S BOOK CASE CLOSED

The AARC is a non-profit organization located at 918 F Street, N.W., Washington, D.C. Its Board of Directors is comprised largely of professionals--lawyers and professors--who serve without pay. They and the AARC's members are among the most knowledgeable scholars of President Kennedy's assassination. Virtually all of them are critics of the official versions of the assassination.

Recently, the AARC has received many criticisms of Gerald Posner's book Case Closed. Posner claims to have "incontrovertible evidence" that the Warren Commission's Single Bullet Theory is correct. He concludes that a single bullet hit Kennedy and Governor Connally simultaneously, inflicting seven nonfatal wounds on them, including the smashing of Connally's wrist bone. (This is the same bullet--Commission Exhibit 399 ("CE 399")--which, although Posner glosses over the point, emerges from its assault on flesh and bone in virtually pristine condition, undeformed and missing only a few grains removed for testing. Its authenticity is in doubt--it was allegedly found when it rolled out from under a mat on an identified stretcher in a Parkland Hospital hallway some 45 minutes after the assassination.) It follows, then, in Posner's view, that Lee Harvey Oswald alone murdered President Kennedy.

Although Posner's claim of "incontrovertible evidence" is made just as hundreds of thousands of documents on the JFK assassination are being released to the public for the first time, some journalists have endorsed Posner's conclusions without informed scrutiny of Case Closed. Because discussion of the Kennedy assassination involves complicated evidentiary questions, the AARC feels obligated to draw upon its expertise to pass on to the news media a few of the cogent criticisms of Mr. Posner's work which it has received recently.

These are some of the points being made against Posner's thesis:

*He bends the evidence to fit his theory

*He omits critical evidence which runs counter to this theory

*He relies heavily on speculation to make his case

*He makes basic errors in stating the evidence

Some examples of these flaws are set forth below.

1. Garbage in, garbage out. Posner claims that a computer simulation lends support to his Single Bullet theory. But if data fed into the computer is in error, the simulation is worthless. In this case, Posner's animated Magic Bullet is simulated using an entry wound in the base of the President's neck, and a lower exit wound in his throat. This approach has three major flaws:

First, whether the President's throat wound was a wound of entry or a wound of exit is vigorously disputed. Evidence supporting the contention that it is a wound of entry includes the following:

a. Kennedy's doctors and nurses at Parkland Hospital, who actually observed the throat wound before it was altered by a tracheotomy, described it as entry wound. Dr. Malcolm Perry has stated that it had the characteristic bruise ring of an entry wound.

b. Experiments conducted at Edgewood Arsenal indicated that if the throat wound were an exit wound, as required by the Single Bullet Theory, it would have been much larger than it was;

c. Laboratory examination and scientific testing revealed no metallic traces on the President's shirt collar, indicating it was not struck by an exiting bullet;

d. The slits in the President's shirt collar do not coincide, further indicating that no bullet caused this damage;

e. During the autopsy at Bethesda Naval Hospital, doctors attempted to probe the wound in the President's back but found no exit.

If the throat wound is an entry wound, as this and other evidence indicates, then Posner's computer simulation is worthless.

Second, Posner's location of the wound in the President's back is also vigorously disputed. Evidence inconsistent with his location of that wound at the base of the President's neck includes the following:

a. Dr. Boswell's autopsy diagram shows the bullet entered near the shoulder blade;

b. The President's shirt and coat have bullet holes 5 and 1/2 to 6 inches below the collar;

c. The President's official death certificate states that the President had a nonfatal wound "in the posterior back at about the level of the third thoracic vertebra." This is consistent with

Boswell's autopsy diagram and the location of the bullet holes on the President's shirt and coat.

d. Secret Service agents Greer and Kellerman and FBI agents Sibert and O'Neil, who observed the autopsy, all locate the wound lower down on the President's back rather than at the base of his neck where Posner puts it.

e. Secret Service agent Glen Bennet, who rode in the presidential limousine's follow-up car, wrote before the autopsy was conducted that he "saw the shot hit the President about 4 inches down from the right shoulder."

f. Autopsy photographs show the back wound lower than Posner locates it.

If the back wound is inches lower than Posner's location of it in the neck, then CE 399 could not have exited Kennedy's throat at a downward angle as Posner contends. Once again, the assumptions which Posner's computer simulation rely upon invalidate the simulation.

Third, the House Select Committee on Assassinations employed a panel of expert pathologists headed by Dr. Michael Baden to assess the bullet track from the hole in Kennedy's back to the front of his throat. They concluded a bullet traversed this path at an upward angle of 11 degrees. Posner describes this trajectory as a downward path. See Case Closed, Appendix A, p. 477. Had Posner's simulation relied upon the official finding of the HSCA's medical panel, its results necessarily would have been drastically different, and could not have supported the Single Bullet Theory.

2. Posner ignores and bends evidence to fit his thesis. For example, he relies on the House Select Committee's "jiggle analysis" to argue that the first shot was fired around Z-160. But the HSCA's "jiggle analysis" shows at least six places where Zapruder's film blurred, so if you accept these blurs as confirmation that a shot occurred, you have evidence of at least six shots, a fact that is not congenial to Posner's lone assassin theory.

3. Critical parts of Posner's case for the Single Bullet Theory are speculative and highly improbable. Posner postulates a shot by Oswald just as Kennedy vanishes from his eyesight under a tree. He says that this shot missed and hit a tree branch. The tree branch, according to Posner, separated the bullet's core from its jacket, causing the core to ricochet several hundred feet down the street where it struck a curb near bystander James Tague.

Here the reader is left with a series of conjectures that are unsupported by fact: (1) there is no evidence of any shot hitting

the tree; (2) there is no evidence of any branch separating a bullet's core from its jacket;

Perhaps most telling of all, a simple common sense observation: Why would Oswald--or any 6th floor gunman--hold his fire while the President was approaching him in plain view, only to shoot when he disappeared behind tree limbs?

4. Posner makes serious factual errors and ignores sworn testimony which contradicts his theory. Posner asserts that the entry wound in Governor Connally's right shoulder was 1.25 inches long, the exact length of the bullet. This assertion is used to support his theory that the bullet was tumbling end over end. This glaring factual error stems from the operative report, which lists the size of the wound as 3 cm. (close to an inch and a quarter). Dr. Robert Shaw, Connally's thoracic surgeon, testified that this was the size of the wound after excision of tissue around the wound, and that the original size was only 1.5 cm. (less than 2/3 of an inch) or half the size given by Posner to justify his assertion that the bullet was tumbling.

Case Closed ignores Dr. Shaw's testimony to the Warren Commission and the HSCA--and for good reason. His testimony is critical to the very issues raised by Posner, but destructive of Posner's theory. For example, Dr. Shaw testified

--that the bullet wound in Connally's back was not characteristic of a bullet which had been tumbling or which had struck another object first, but was consistent with a bullet having entered at an angle

--that he would have "some difficulty in explaining all of the wounds as having been inflicted by bullet 399 without causing more in the way of loss of substance to the bullet or deformation of the bullet."

--that after viewing the Zapruder film and talking to Connally, "it was hard to say that the first bullet hit both of these men almost simultaneously."

--that examination of Connally's wrist both by X-ray and at the time of surgery "showed some fragments of metal that make it difficult to believe that the same missile could have caused these two wounds [to Connally's chest and wrist]" because "this bullet has lost literally none of its substance [except for a tiny portion on its nose which was removed for testing]," whereas, "[t]here seems to be more than 3 grains missing [in the wrist]." (Three grains would be more lead than is missing from CE 399, meaning that it could not be the bullet that struck Connally's wrist.)

In evaluating Dr. Shaw's testimony against Posner's belief in the Single Bullet Theory, it is important to remember that Dr. Shaw was a first-hand witness, having conducted the surgery on Governor Connally, and that he possessed extensive first-hand knowledge of bullet wounds both because of his experience at Parkland Hospital and as a thoracic surgeon in France during World War II.

5. If one of Posner's claims is correct, he has disproved his own theory! Posner cites a computer enhancement of the Zapruder film done by Failure Analysis Associates ("FAA"), as showing that at Z 224 "the right lapel of the Governor's suit flies away from his chest" as a result of a bullet passing through. He calls this "one of the most important timing confirmations in the case, as it establishes the moment the bullet hit [Connally]." He thinks this shows that Connally and Kennedy were simultaneously hit by the same bullet, eliminating the otherwise ineluctable conclusion that their wounds could only have been inflicted by two or more riflemen.

In fact, at Z 224 Kennedy clearly already has been hit. One of his hands is rising and the other falling, and his face is contorted. The space between Kennedy and Connally was only 25 inches. Since the bullet which allegedly left Kennedy's neck was travelling at a speed of 1779 feet per second (according to Edgewood Arsenal tests performed in 1964), it would have taken the bullet barely a thousandth of a second to traverse the two feet from Kennedy's neck to Connally's lapel. Yet Kennedy already is reacting to a shot. Given the speed of the fastest human reflex, this means Kennedy is reacting to an earlier shot than that which allegedly hit Connally's lapel. Since Kennedy and Connally were hit by different bullets, the Single Bullet theory is disproved if Posner is right.

Unfortunately, just as it is not possible to endorse Posner's purported proof of the Single Bullet Theory, neither can he be given credit for having unintentionally proved a conspiracy. Although he claims that Connally's lapel is "the exact area where the governor's suit and shirt have a bullet hole," his use of the phrase "exact area" is misleading. The bullet hole is not in the coat lapel but adjacent to it.

Despite the unwelcome length of the above commentary, these points are not exhaustive. In view of this, the AARC urges the media to be very careful before relying on the assertions in Case Closed.

Jim Lesar

Jim Lesar
President
Assassination Archives and Research Center